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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/848,818	05/19/2004	David A. Kitch	7178	4774
55740 7590 04/04/2007 GAUTHIER & CONNORS, LLP 225 FRANKLIN STREET SUITE 2300 BOSTON, MA 02110			EXAMINER NORDMEYER, PATRICIA L	
			ART UNIT	PAPER NUMBER
			1772	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/04/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/848,818	Applicant(s) KITCH ET AL.	
	Examiner Patricia L. Nordmeyer	Art Unit 1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-11 and 13-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-11 and 13-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 28, 2008 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 5, 8 – 11 and 13 – 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Begelfer et al. (USPN 4,915,994).

Begelfer et al. disclose a multilayer composite comprising a face stock of polyvinyl chloride having bottom and top surfaces (Column 2, lines 66 – 67), at least the bottom surface of said face stock being printable (Column 5, lines 20 – 22 – wherein the since the top layer contains printing, the bottom surface of the face stock would also be printable) and a carrier sheet laminated directly to the top surface of said face stock at an interface there between

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(Column 4, lines 30 – 36) as in claims 1 and 2. With regard to claims 1, 5, 8 – 11 and 13 – 16, it is inherent that the multilayer composite distorts more than 1.0% in either the machine or cross machine direction when in an unrestrained state and exposed to temperatures above about 140°F and when subjected to tension greater than about 0.5 PLI, has a low flexural stiffness, has elongation characteristics as measured in accordance with ASTM D 8-22 greater than 50% in at least one direction, has elongation characteristics greater than 100% in at least one direction, has a stiffness greater than about 60 grams, the bond strength at said interface is less than the respective tensile strengths of said face stock and said carrier sheet and the yield strength of the said face stock, the bond strength as measured in accordance with FTM3 is less than 60, 100 or 200 grams per 2 inch width and the stiffness and tensile strength of the carrier sheet prevents distortion since Begelfer et al. discloses the same material as claimed (Column 2, lines 66 – 67; Column 4, lines 30 – 36) and given the stability of the material used in the construction of the composite (Column 4, lines 44 – 68). A liner is releasably adhered by means of a pressure sensitive adhesive to the bottom surface of the face stock material (Column 4, lines 36 – 41) as in claim 17.

4. Claims 1, 2, 5 – 11 and 13 – 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith (USPN 6,086,995).

Smith discloses a multilayer composite comprising a face stock of polyvinyl chloride having bottom and top surfaces (Column 16, lines 42 – 45), at least the bottom surface of said face stock being printed with graphics between the face stock and adhesive (Column 8, lines 9 –

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15) and a carrier sheet laminated directly to the top surface of said face stock at an interface there between (Column 8, lines 32 – 35) as in claims 1, 2, 18 and 19. The face stock has a thickness between 0.25 to 3.5 mils and 1 and 3 mils (Column 8, lines 53 – 62) as in claims 6 and 7. With regard to claims 1, 5, 8 – 11 and 13 – 16, it is inherent that the multilayer composite distorts more than 1.0% in either the machine or cross machine direction when in an unrestrained state and exposed to temperatures above about 140°F and when subjected to tension greater than about 0.5 PLI, has a low flexural stiffness, has elongation characteristics as measured in accordance with ASTM D 8-22 greater than 50% in at least one direction, has elongation characteristics greater than 100% in at least one direction, has a stiffness greater than about 60 grams, the bond strength at said interface is less than the respective tensile strengths of said face stock and said carrier sheet and the yield strength of the said face stock, the bond strength as measured in accordance with FTM3 is less than 60, 100 or 200 grams per 2 inch width and the stiffness and tensile strength of the carrier sheet prevents distortion since Smith discloses the same material as claimed (Column 16, lines 42 – 45; Column 8, lines 32 – 35) and the desired thickness of the materials (Column 8, lines 53 – 62). A liner is releasably adhered by means of a pressure sensitive adhesive to the bottom surface of the face stock material (Column 16, lines 57 – 60) as in claim 17.

5. Claims 1, 5 – 11 and 13 – 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Dollinger (USPN 5,151,309).

Dollinger discloses a multilayer composite comprising a dimensionally unstable face stock (Column 2, lines 44 – 55) having bottom and top surfaces (Figure 4, #12), at least the bottom surface of said face stock being printed with graphics between the face stock and adhesive (Column 4, lines 47 – 50, wherein the since the top layer contains printing, the bottom surface of the face stock would also be printable) and a carrier sheet laminated directly to the top surface of said face stock at an interface there between (Figure 4, #14; Column 4, lines 59 – 61; Column 5, lines 14 – 15) and removable from the top surface of said face stock due to the adhesive layer (Column 5, lines 14 – 15) as in claims 1, 18, 19 and 22. The face stock has a thickness between 3 mils and 4 mils (Column 6, lines 66 – 67) as in claims 6 and 7. With regard to claims 1, 5, 8 – 11, 13 – 16 and 22, it is inherent that the multilayer composite distorts more than 1.0% in either the machine or cross machine direction when in an unrestrained state and exposed to temperatures above about 140°F and when subjected to tension greater than about 0.5 PLI, has a low flexural stiffness, has elongation characteristics as measured in accordance with ASTM D 8-22 greater than 50% in at least one direction, has elongation characteristics greater than 100% in at least one direction, has a stiffness greater than about 60 grams, the bond strength at said interface is less than the respective tensile strengths of said face stock and said carrier sheet and the yield strength of the said face stock, the bond strength as measured in accordance with FTM3 is less than 60, 100 or 200 grams per 2 inch width and the stiffness and tensile strength of the carrier sheet prevents distortion since Dollinger discloses the same material as claimed (Figure 4, #14; Column 4, lines 59 – 61; Column 5, lines 14 – 15) and overlapping properties (Columns 10 and 11, Table I). A liner is releasably adhered by means of a pressure sensitive adhesive to the bottom surface of the face stock material (Column 9, lines 39 – 44;

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Figure 4, #24) as in claim 17. The carrier sheet is an extrusion-coated film of polystyrene or polypropylene (Column 4, lines 59 – 65; Column 5, lines 14 – 16) as in claims 20 and 21.

Response to Arguments

6. Applicant's arguments filed February 28, 2007 have been fully considered but they are not persuasive.

In response to Applicant's argument that none of the cited references anticipate independent claims 1 and 22 as now amended, "Products of identical chemical composition can not have mutually exclusive properties." A chemical composition and its properties are inseparable. Therefore, if the prior art teaches the identical chemical structure, the properties applicant discloses and/or claims are necessarily present. MPEP 2112.01.

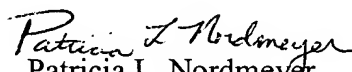
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Nordmeyer whose telephone number is (571) 272-1496. The examiner can normally be reached on Mon.-Thurs. from 10:00-7:30 & alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Patricia L. Nordmeyer
Examiner
Art Unit 1772

pln